

FILED

JUN 19 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PEDRO MONTIEL-HERNANDEZ,

Defendant - Appellant.

No. 05-50161

D.C. No. CR-04-00744-GHK

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted June 12, 2006^{**}

Before: FERNANDEZ, KLEINFELD, and BERZON, Circuit Judges.

Pedro Montiel-Hernandez appeals his conviction and 72-month sentence for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326(a).

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Montiel-Hernandez has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. No pro se brief or answering brief have been filed.

Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 83 (1988), discloses no grounds for relief on direct appeal.

Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.